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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,938	01/15/2004	William Patrick Gray	032279.00063	6531
7590 04/20/2005			EXAMINER	
McNair Law Firm, P.A. P.O. Box 10827 Greenville, SC 29603-0827			BLAU, STEPHEN LUTHER	
			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 04/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,938

Applicant(s)

GRAY, WILLIAM PATRICK

Examiner

Stephen L. Blau

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-9 and 16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3,7-9 and 16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The scanned copy of the claims in IFW is of poor quality and as such it is requested that in future responses a clean copy would be submitted for the claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 7-9 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 line 8 is indefinite in that the statement “sides and a downwardly directed” does not make sense. Claims 2-3, 7-9 and 16 are rejected for depending on a rejected base claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 7, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer in view of Lee.

Farmer discloses a putter (Fig. 1) having a sole (Fig. 10C), a top, a back (Fig. 1), a face (Fig. 10C), a bore in a top (Figs. 1A, 3, Ref. No. 38, Col. 7, Lns. 21-22), a hosel having an upper portion and a foot (Fig. 1), a foot having a projection to fit in a bore (Fig. 3, Col. 7, Lns. 21-22), a hosel having an elbow adjacent an upper portion (Fig. 2A), a receptacle being formed in a elbow (Col. 6, Lns. 52-58), a shaft having a length and having a flex (Fig. 1), a shaft having a first end to fit into a hosel (Col. 6, Lns. 52-58) and a second end to support a grip (Fig. 2A), a cavity back head (Fig. 1), a head formed of a first material and a hosel formed of a second material (Fig. 1) and a receptacle arranged at a selected angle relative to an axis of a body (Fig. 14).

Farmer lacks a hosel formed of a square, a foot of a hosel including a shoulder located above a projection, an outwardly flared polygonal shaped shoulder having vertical sides directed downwardly, a head having a polygonal shaped recess having vertical walls formed about a bore, a shoulder secured in a recess with sides engaged with the walls forming a non-rotating engagement, sides of a shoulder being about 2mm in height, and a shaft having a first end to fit into a receptacle.

Lee disclose a hosel formed of a polygon in the form of a square and a foot of a hosel including a shoulder located above a projection, a shoulder having vertical sides, a head having a recess having vertical walls formed about a bore, a shoulder secured in a recess with sides engaged with the walls forming a non-rotating engagement (Figs. 3-4) and a shaft having a first end to fit into a receptacle [0020]. Lee does not disclose the specific height of the sides of a shoulder inserted into the recess but clearly one skilled in the art of making a secure connection to ensure the shoulder would not easily come out would have selected a suitable height in which 2 mm is included. In addition, Lee discloses a prior art putter with a connection between a foot of what appears to be one view of a hosel at the head having outwardly flared polygonal shape (Fig. 1). In view of the patent of Lee it would have been obvious to modify the putter of Farmer to have a hosel formed of a square, a foot of a hosel including a shoulder located above a projection, a shoulder having vertical sides, a head having a 2 mm height recess having vertical walls formed about a bore, and a shoulder secured in a recess with sides engaged with the walls forming a non-rotating engagement in order to ensure a hosel stays aligned and does not rotate once inserted into a head having a bore. In view of the patent of Lee it would have been obvious to modify the putter of Farmer to have a shaft having a first end to fit into a receptacle of a hosel in order to provide for both male and female hosels of a head of Farmer to be useable in the market place. In view of the prior art as taught by the patent of Lee it would have been obvious to modify the putter of Farmer to have an outwardly flared polygonal shaped down to the point of the vertical sides directed downwardly in order to have a larger connection area between a hosel and a head to ensure it is not easily broken when a head impacts the ground. As such the shoulders would be 2 mm in height.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer in view of Lee as applied to claims 1-3, 7, 9 and 16 above, and further in view of Delio and admitted prior art (Examiner's Official Notice).

Farmer discloses a variety of different hosels (Col. 8, Lns. 28-37) and a hosel having a length (Fig. 1).

Farmer lacks a hosel having a length between 1-3 inches. Delio discloses a hosel having a length of about the size of a diameter of a golf ball (Fig. 2). It is admitted that prior art discloses that a diameter of a golf ball is about 1.7 inches in length. In view of the patent of Delio and admitted prior art (Examiner's Official Notice) it would have been obvious to modify the hosel of Farmer to have a length between 1-3 inches in order to utilize a hosel length used in the art for hosels which have elbows and offsets and in order that the hosel with a offset and elbow does not interfere with the ball when impacting a ball.

Response to Arguments

7. The argument that Lee is improper due to Lee not mentioning the outer surface 71 engages the walls of hole 421 is disagreed with. Clearly the drawing implies this to one skilled in the art by observing figure 4 since the outer shapes are identical. The arguments that Lee is improper due to not height being mentioned or providing an improved connection between a hosel and a head are disagreed with. A height does not have to be mentioned as well as commenting a connection is improved. Clearly both can exist without having to be mentioned.

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The argument reference of Farmer is improper due to Farmer not disclosing different materials is disagreed with. The claim does not require a first and second material being different. Figure 1 of Farmer shows a first material forming a head and second material forming hosel. The argument that Lee does not disclose a flared hosel structure or different materials forming the head and hosel are disagreed with. The prior art of Lee shows a flared hosel structure and the claims do not limit the head and hosel to being made of different material. The argument that no patent of the rejections show a shaft inserted into a receptacle is disagreed with. Though Farmer discloses inserting a shaft into a hosel the drawings never show this. However Lee certainly discloses this [0020].

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 16 April 2005


STEPHEN BLAU
PRIMARY EXAMINER